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To: Renata B. Hesse

From: G. Andrew Duthie

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Date: 1/25/2002

Re: US v. Microsoft Settlement

CC:

☒ **Urgent** ☒ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

● **Comments:**

Attached is a letter from my company in support of the proposed settlement of the Microsoft antitrust lawsuit.

Graymad Enterprises, Inc.

P.O. Box 7322
Arlington, VA 22207-0322

January 25, 2002

Renata B. Hesse
Antitrust Division, U.S. Department of Justice
601 D. Street NW, Suite 1200
Washington, DC 20530-0001

To Whom It May Concern:

I am writing to express my support for the proposed settlement of the Department of Justice's antitrust suit against Microsoft Corporation, and my dismay at the actions of Microsoft's competitors in trying to derail this settlement. As a software developer, author, conference presenter, and small business owner, I have been working with Microsoft products for more than 5 years professionally, and for many more years in my personal life. I have also from time to time attempted to use products from Microsoft's competitors, including the Linux operating system, Sun Microsystems' Solaris operating system (for the Intel platform), and database software from Oracle. In every case, I have found these products to be manifestly inferior to those I have used from Microsoft.

What's more, despite the ongoing assertions on the part of Microsoft's detractors and competitors that their purported monopoly has crushed innovation and harmed consumers, I find that Microsoft's operating system products have improved more during the period during which they were found to have a monopoly than at any period prior. Microsoft's Windows XP operating system is more stable, more secure, easier to install, and compatible with more devices than any Microsoft operating system I have worked with prior, and is far superior to any other operating system I have used, regardless of vendor. All of this is to say that I do not believe that it is Microsoft's alleged monopoly that has held back its competitors. Rather, it is these competitors' inability (or unwillingness) to provide products and services that rival Microsoft's offerings in either value or quality.

Case in point of this is the Navigator browser, offered by Netscape Communications, now a division of AOL-Time-Warner, which recently filed suit against Microsoft in what appears to be an effort to derail the antitrust settlement through negative publicity. But Netscape did not lose the 'browser wars' because of anti-competitive conduct on Microsoft's part. It lost because it failed to produce a superior, or even equal, product. I say this as one who has developed Web applications for both Internet and intranet use, and who has had to code around flaws in Navigators support for accepted Web standards, and flaws in the implementation of the JavaScript language for browser interactivity (which was introduced by Netscape). Since version 4.0, Microsoft's Internet Explorer browser has been superior to Navigator in performance, standards compliance, and features, and has consistently been reviewed as superior in trade magazines. **This** is why Netscape lost, not because of Microsoft's actions, which were certainly not unusual in a competitive market.

I am also disturbed by the continuing trend of supposedly independent entities, such as ProComp, and most recently, the American Antitrust Institute, attempting to influence the outcome of the antitrust case and the settlement, without fully disclosing that they are, in fact, wholly or partly funded by Microsoft's competitors. For example, from the ProComp Web site (<http://www.procompetition.org/procomp/index.html>):

Among the companies and trade associations supporting ProComp are: American Society of Travel Agents, Computer and Communications Industry Association, Corel, Netscape Communications Corporation, Oracle Corporation, Preview Travel, Software Information Industry Association, Sun Microsystems, Inc., The Air Transport Association, the SABRE Group, Sybase, and worldweb.net. A

● Page 2

January 25, 2002

number of other companies and organization are also working with or supporting ProComp but do not choose to be publicly identified at this time.

Corel, Netscape, Sun Microsystems, and Oracle Corp. are all direct technology competitors to Microsoft, while the American Society of Travel Agents and the SABRE group (which operates the Travelocity.com travel Web site) are competitors to Microsoft's Expedia travel Web site. That these competitors are weighing in via a supposedly independent third party should be viewed with some skepticism, in my opinion. The American Antitrust Institute, meanwhile, is funded by, among others, Oracle Corp.:

Funding for the AAI comes from corporations such as Oracle, as well as from trade associations, foundations, and law firms.

Source: <http://www.antitrustinstitute.org/recent/82.cfm>

The voices of these advocacy groups, funded by Microsoft's harshest competitors, should not be allowed to drown out the voices of satisfied consumers across America, who have made their satisfaction clear by voting for Microsoft again and again with their wallets, despite the longtime availability of such alternatives as Linux and FreeBSD (both free operating systems whose adherents claim they are technically superior to Windows), and the products of Apple Computer, including their newest iMac computer, which recently was given the cover of Time magazine. If a company that is able to get its products on the cover of a national magazine cannot win in the marketplace, it is not due to lack of consumer awareness. Rather, it is due to not offering consumers what they want. Apple, true to form, has priced its new machine higher than comparable Windows-based machines, counting on the "leading-edge" style of their machines to increase their popularity. Whether this is a smart strategy or not remains to be seen, but it is a decision that should be made in the marketplace, not in the courts, and not due to political lobbying by Microsoft's competitors.

I, and other small businessmen like me, am able to contribute significantly to the health and ongoing growth of the American economy in large measure because of the many productive tools provided by Microsoft. The antitrust trial, and other legal maneuverings by Microsoft's competitors, however, can only impose unnecessary costs on businesses and consumers alike. I strongly urge you to complete the proposed settlement with Microsoft, and end the antitrust action against them with all haste. Doing so will benefit consumers and competitors alike by removing a significant drag on the information technology industry.

Respectfully,



G. Andrew Duthie
President, Graymad Enterprises, Inc.